

ADOT File No.: JPA 04-076
Amendment One
AG Contract No.: KR04-1401TRN
Section: I-19 Duval Mine Road TI
TRACS: H510401C
Budget Source Item No.: 16704

AMENDMENT ONE
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF SAHUARITA

THIS AMENDED AGREEMENT is entered into this date of October 16th 2007, Attorney General No. KR04-1401TRN, Original Agreement filed with the Secretary of State August 1, 2006, file No. 28353, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the Town of Sahuarita, acting by and through its Council and Town Mayor, the ("Town").

I. RECITALS

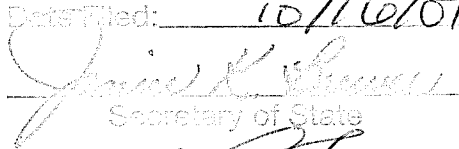
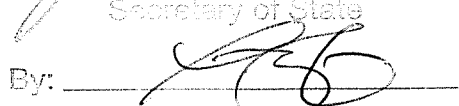
1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 9-240 to enter into this Agreement and has by resolution a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the Town.

THE PARTIES HERETO AGREE TO AMEND THE FOLLOWING respective to Recital 3, second sentence regarding station section 46+00 of Duval Mine Road. Station 46+00 shall be replaced with station **40+87** all other terms and conditions of the original Agreement shall remain in force and effect.

3. Upon completion of the construction of improvements to I-19 traffic interchange the State will abandon ownership jurisdiction and maintenance responsibilities with the approval and resolution of the State's Transportation Board for the east and west Frontage Roads of I-19 from Duval Mine Road north to Avenida Valle Verde Del Norte and from Duval Mine Road south to Duval Road. The Town will accept ownership jurisdiction and maintenance responsibilities upon completion of the project for the east Frontage Roads of I-19 from Duval Mine Road north to Avenida Valle Verde Del Norte, and from Duval Mine Road south to Duval Road and for the west Frontage Road from Duval Mine Road south to Duval Road along with two sections of Duval Mine Road from station 23+21.15 to station **40+87** and from station 56+00 to station 73+60. The Town will also maintain sidewalks along Duval Mine Road including the segments cross the I-19 Bridge

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 28353
Filed with the Secretary of State
Date Filed: 10/16/07

Secretary of State
By: 

II. SCOPE OF WORK

1. The State Will:

Paragraph 1.c station 46+00 is replaced with station 40+87.

c. Upon completion of the Project by the State and approval by resolution of the State's Transportation Board, abandon and transfer ownership jurisdiction and maintenance responsibilities for the two frontage roads east and west of the I-19, from Duval Mine Road north to Avenida Valle Verde Del Norte, and from Duval Mine Road south to Duval Road, along with two sections of Duval Mine Road from station 23+21.15 to station **40+87** and from station 56+00 to station 73+60.

2. The Town Will:

Paragraph 2.e station 46+00 is replaced with station 40+87.

e. Upon completion of the Project by the State, approval by resolution of the State's Transportation Board, accept ownership jurisdiction and maintenance responsibilities for the two frontage roads east and west of the I-19, from Duval Mine Road north to Avenida Valle Verde Del Norte, and from Duval Mine Road south to Duval Road, along with two sections of Duval Mine Road from station 23+21.15 to station **40+87** and from station 56+00 to station 73+60.

All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17th Avenue, Mail Drop 616E
Phoenix, AZ. 85007 FAX (602) 712-7424

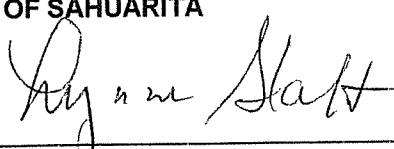
Town of Sahuarita
Town Manager
725 W. Via Rancho Sahuarita
P.O. Box 879, Sahuarita, AZ 85629

Pursuant to Arizona Revised Statutes, Section 11-952 (D), attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written

TOWN OF SAHUARITA

By


LYNNE SKELTON
Mayor**STATE OF ARIZONA**


Department of Transportation

By


DOUGLAS A. FORSTIE, P.E.
Deputy State Engineer, Operations

ATTEST

By


SANDRA R. OLIVAS, CMC
Town Clerk

Certificate of Clerk

Town of Sahuarita, Pima County, Arizona

*State of Arizona
County of Pima
Town of Sahuarita*

I, Sandra R. Olivas, the duly appointed, qualified, and acting Clerk of the Town of Sahuarita, Pima County, Arizona, hereby certify that the foregoing is a true and correct, and compared copy of Resolution No. 2007-66, which was approved by the Sahuarita Town Council on the 10th day of September, 2007, and that a quorum was present thereat.

In Witness Whereof, I have hereunto set my hand and affixed my signature this 1st day of October, 2007.

A handwritten signature in black ink, appearing to read 'Sandra R. Olivas', written over a horizontal line.

Sandra R. Olivas, CMC, Town Clerk

SAHUARITA RESOLUTION NO. 2007-66

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF SAHUARITA, ARIZONA, AUTHORIZING THE TOWN TO ENTER INTO AMENDMENT ONE OF THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA UNDER WHICH THE TOWN ACCEPTED JURISDICTION OF THE EAST AND WEST FRONTAGE ROADS OF I-19 FROM DUVAL MINE ROAD NORTH TO AVENIDA VALLE VERDE DEL NORTE AND FROM DUVAL MINE ROAD SOUTH TO DUVAL ROAD INCLUDING OWNERSHIP AND MAINTENANCE WITH RESPECT TO RECITAL 3, SECOND SENTENCE REGARDING SECTION 46+00 OF DUVAL MINE ROAD OF THE INTERGOVERNMENTAL AGREEMENT.

WHEREAS, A.R.S. §11-952 grants the Town the authority to enter into intergovernmental agreements; and

WHEREAS, by authority of Resolution No. 2006-46, the Town of Sahuarita entered into an Intergovernmental Agreement with the State of Arizona on August 1, 2006 pertaining to ownership and maintenance of the East and West Frontage Roads in the vicinity of I-19 and Duval Mine Road; and

WHEREAS, the Town and the State wish to amend said Intergovernmental Agreement with respect to recital 3, second sentence regarding section 46+00 of Duval Mine Road. Station 46+00 will be replaced with station 40+87, which Agreement is attached hereto as Exhibit "A" and incorporated herein by this reference. All other terms and conditions of the original Agreement shall remain in force and effect; and

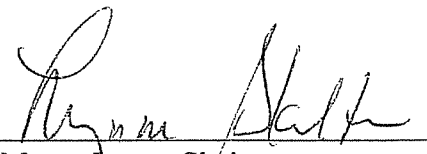
WHEREAS, the effect of this amendment will be to increase by 687 feet the area of jurisdiction and maintenance responsibilities of the Arizona Department of Transportation; and

WHEREAS, the Mayor and Council have determined that amendment of said Intergovernmental Agreement is in the best interest of the Town and its residents.

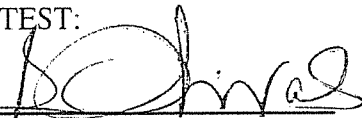
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Sahuarita, Arizona, as follows:

- Section 1.** The Town is hereby authorized to enter into said Amendment One of the Intergovernmental Agreement between the Town of Sahuarita and the State of Arizona, attached hereto as Exhibit "A" and incorporated herein by this reference. All other terms and conditions of the original Agreement shall remain in force and effect.
- Section 2.** The Mayor of the Town of Sahuarita is hereby authorized and directed to execute said Agreement on behalf of the Town of Sahuarita, and the Town staff is hereby authorized and directed to take all steps necessary to implement said Agreement and give it effect.
- Section 3.** The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.
- Section 4.** All resolutions or motions and parts of resolutions or motions of the council in conflict with the provisions of this Resolution are hereby repealed, effective as of the effective date of this Resolution. All internal references within the town code to any affected provision are hereby updated.
- Section 5.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 10th day of September, 2007.


Mayor Lynne Skelton

ATTEST:


Sandra R. Olivas, CMC
Town Clerk

APPROVED AS TO FORM:

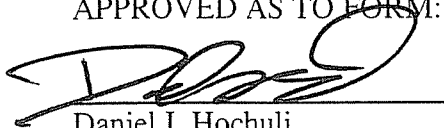

Daniel J. Hochuli
Town Attorney

Exhibit "A"
*Amendment One Intergovernmental Agreement
Between The State of Arizona and the Town of Sahuarita*

ATTORNEY APPROVAL FORM


FOR THE TOWN OF SAHUARITA

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF SAHUARITA, an agreement among public agencies, which, has been reviewed pursuant to A.R.S. section 11-951 through 11-954, and declare this agreement to be in proper form and within the powers and authority granted to the TOWN under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 10 day of SEPTEMBER, 2007.

A handwritten signature in black ink, appearing to be "J. D. ...", written over a horizontal line.

Attorney

<p>TERRY GODDARD Attorney General</p>	 <p>OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR04-1401TRN (**JPA 004-076, Amendment One**), an Agreement between public agencies, i.e., The State of Arizona and The Town of Sahuarita, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: October 9, 2007

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:73794
Attachment